

1884-021 Chancery Causes: Andrew Milbourne vs. John D. Sharp & Lee Co.

Moxeyhur, Miller, Morgan, Milbourn, Morison

1 Plat

CA-Debt  
T-Property



To the Honorable John A. Kelly Judge  
of the Circuit Court of Lee County Va  
Your orator Andrew Milbourne  
humbly complaining respectfully represents, that several years ago H. A.  
and S. H. Morison instituted their certain  
suit in chancery in this Honorable Court  
against J. W. D. Mason and others and  
where the same is still pending. And in  
which a receiver became necessary and  
one John D. Sharp, was duly appointed and  
for several years exercised the duties of  
the said office, collecting, paying out or  
disbursing the several sums in his hands.  
The said Receiver was required to give  
bonds, in the penalty of \$ , and your  
orator became a security therefor, for the  
due performance of his said office, and  
afterwards a settlement, of said Sharp's  
~~estate~~ fiducial account was made by  
H. J. Morgan & confirmed by this Honorable  
Court, by which the said Sharp was found  
to be in arrears the sum of \$813.42, and  
the same was decreed against him; at the  
time of the rendition of said decree the  
said John D. Sharp had removed from this  
Commonwealth, although he had been present.



at the settlement of said account, he still remains a non-resident, and your crater is in danger of having said debt to pay or the greater portion thereof. A copy of the said decree showing the exact sum due from said Sharp in said cause will in due time be found filed with this decree marked "A." and a copy of said bond marked "B." all of which is prayed to be considered with this bill.

Your crater alleges that said Sharp has estate or effects belonging to, and due to him in this County, he owns a considerable tract of land in this County, designated in the deed books as lot two, in the portion of his fathers real estate, one mile East of Jonesville, fully described in a copy of the plat & report of said partition filed herewith marked "D" which is also prayed to be considered. The said John D. Sharp has debts, and money, and evidences of debt, in the hands of Henry J. Morgan his agent to the amount of \$1000. He has due from one James M. Money here \$400. and from <sup>and from P. Mueller in the sum of \$100</sup> Mr Money here the sum of \$200. all of which



may be subject to credit; ~~not~~ known to your  
creditors. The said land has hitherto been  
attached by other parties, as may have also  
been the said debts. The object of this bill  
therefore is to attach upon said lands  
and debts, to have them enjoined and held  
liable for further proceedings & orders of this  
Court. To have an injunction awarded en-  
joining & inhibiting any of the said parties  
from paying over the debts due from them  
and that the same be applied to the judgment  
due from said John D. Sharp receiver as  
aforesaid.

The premises considered therefore your orator  
provs that H. J. Morgan, James M. Moneyhun  
Mc Moneyhun, and John D. Sharp <sup>and wife P. Miller</sup> be made  
parties defendants to this bill - that said  
Morgan James M. Moneyhun, and Mc Money-  
hun be required to answer upon oath  
the amounts respectively due from them  
to said Sharp, and that a receiver be  
appointed to collect the same, and hold it  
subject to the orders of this Court. That upon  
a hearing a decree be rendered, discharging  
the said Sharp debts with his own ef-  
fects, and that to secure the same <sup>that</sup> it is



Cr. Bal. \$8.40 to July 1881.  
 H. C. 3.64 Pa by P.  
 D. 5.00.  
 A. 15.00.  
 S. 2.00

Add for C. 34.04  
 51 Pa by P.  
 \$34.55-

H. P.

Andrew McKinnon

W. J. Bill on Foreign Note

John D. Sharpe et al

1880. Feb. Bill Filed & O. P.  
 " Mr. J. A. E. Reed on home depts.  
 & Decree nisi as to them.  
 O. P. Completed & Decree nisi  
 against J. A. E. Reed depts.  
 filed for hearing by P. C. J.  
 1 Apr. Decree nisi vs J. A. E. Reed  
 depts. Cont'd & all  
 1880. Feb. & Aug. Depts.  
 1881. Mr. Decree & Cont'd  
 " Aug. Continued.  
 1882 Mr. Aug. & Cont'd  
 1883 Mr. Aug. & Cont'd  
 1884 Mr. order Cont'd.  
 " Aug. Decree & Cont'd  
 Final Decree

chd 46 C

the mean time be attached & held liable to the  
 object of this writ - and for all other  
 further & General relief may Surfer same  
 do.

Allegian & Melmore



To the Hon John A. Kelly Judge of the Circuit Court  
of Lee County Virginia

The Answer of Henry J. Morgan to a bill filed  
in this Honorable Court against him and others by Andrew  
Milburne would respectfully show unto your Honor that  
several years ago his co defendant John D. Sharpe solicited  
in this respondents hands for collection several claims as  
Sundry persons in this county and near Mr. Matlock in  
the State of Tennessee. Some of the persons owing these debts  
are made co. defendants with this respondent, by said Milburne.

This respondent cannot now state what sums he will  
collect on said claims but so far as he may collect he  
will hold the same subject to your orders in this cause.

This respondent is of Opinion however that he will be  
able to collect from Six to Twelve hundred dollars on the  
claims due his co. defendant Sharpe including some money  
which he had collected at the time the process in this  
cause was served on him.

This respondent will however here state that his co. deft  
Sharpe is owing him the balance of a note and commissions  
which he has heretofore collected for him which is paramount  
to the plaintiffs claim on the funds in and to pass through  
his hands. And he hereby claims the right to retain the  
same in his own hands, but beyond this the funds are at  
your Honors disposal and being now answered as fully  
as deemed necessary prays hence to be dismissed.

H. J. Morgan



Henry J. Morgan

ans. } Answer

~~Answer Milwaukee~~

Filed Apr 4th 1881.

Jas W Orr. clerk



Andrew Milburne      plff.  
                against  
John D. Sharp et al, depts } In chq.

It being suggested that the defendant John D. Sharp has departed this life since the last term of this Court. On motion of the plff., and placement of Reese D. Flaney, in the name of Reese D. Flaney sheriff administrator of the estate of said John D. Sharp deceased; And the plff by counsel admitting the matters involved has been fully settled, without loss to the plff - It is adjudged ordered and decreed that the plff recover from Reese D. Flaney Sheriff admr. out of any unadministered assets in his hands belonging to said estate the costs of this suit to be taxed by the clerk, and no further action being necessary the cause is stricken from the docket.



Andrew Mulbourn

and Decree

John D. Thorpe  
Aug 1884

Entered page 416.

J. A. Hyatt C. C.

End

Sept. 1<sup>st</sup> 1884

J. A. K.



But before the plff in this action shall be entitled to its benefit of this decree  
he shall execute bond before the clerk of this court in a bond of \$2000. Condition to obtain  
the future order of this court upon the defendant John D. Sharp levies offering and  
making answer, to this suit.

Andrew Milbourne Plff.

Against

John D. Sharp et al. defts.

} In chancery.

This cause came on this day to be heard  
upon the bill of the plff. et for a hearing <sup>as to</sup> against  
John D. Sharp against whom publication has  
been duly made, the answer of H. J. Morgan,  
and replication thereto, and exhibits filed, and  
the arguments of Counsel, and it appearing to  
the Court that there is a sufficiency in the hands  
of H. J. Morgan to pay the amount set forth  
in exhibit A. with plff. bill, and it ap-  
pearing that a receiver <sup>is necessary</sup> in said cause ~~is necessary~~  
A. L. Prichard who is here by appointed a re-  
ceiver ~~in that cause~~ <sup>therefore</sup> is directed, after executing  
bond in the penalty of \$2000. Condition to duly  
receive & pay out the same, to collect from  
said Morgan if so much shall be found in  
his hands, a sufficient <sup>sum</sup> to pay the terms of the  
decree against said J. D. Sharp as shown by  
said exhibit "A." and when so collected he will  
proceed to pay out the same to the parties shown  
to be entitled to the same, and take their receipts for  
the same. ~~He will~~ <sup>therefore</sup> He will upon this action to this court &  
the cause is continued.



Amicus Mulberry

My Secrecy

John D. - 8 Nov 1824

March 1825

Entered Page 182

John C. Orr, D.C.

Entered the  
Office of  
J. H. K.



A. A. & H. Morison Plffs-

against

} In chq.

J. W. S. Morison et al. Deft

This cause came on this day to be heard upon the papers heretofore read in the cause, and the report of Comr. Henry J. Merzant filed on the 19<sup>th</sup> day of March 1878, and was argued by Counsel, on Consideration whereof, it appearing that no exceptions have been filed to the said report, the same is confirmed, and it appearing from said report that there is in the hands of John D. Sharp receiver the sum of Eight hundred and Thirteen dollars and forty two cents as of the date of January 1<sup>st</sup>. 1878. of which sum \$655.99 is principal and \$157.43 cents is interest, and it further appearing that the said receiver has paid all the creditors except H. A. Morison and David Patent Admr of H. S. Miles their pro rata share of the funds and he has paid said Morison a portion of his debt, and has paid H. S. Miles, Admr. nothing, it is considered that the amount now in the receiver's hands should be paid to H. A. Morison and H. S. Miles, Admr. so as to equalize them, it is therefore adjudged ordered and decreed that John D. Sharp do pay to H. A. Morison, the sum of \$264.28 with interest on \$213.14 part thereof from



the 1<sup>st</sup> day of January 1878, and to David  
Potter Admr. of H. S. Miles, decreed, the sum  
of five hundred and forty nine dollars and 14<sup>cs</sup>.  
with interest on \$442.85 part thereof from the  
1<sup>st</sup> day of January 1878, and if the said Sharp  
shall fail to pay the said sum within sixty  
days from this date, the said Morrison and  
David Potter, Admr. of H. S. Miles decreed  
may each have execution against him for  
the respective sums above decreed to them  
And it is further ordered that said re-  
ceiver shall proceed to collect all the  
outstanding & uncollected claims in his  
hands as per Comr. Morgans report as soon as  
practicable, And the distribution of the  
residue of the fund is reserved, and the  
cause is continued

A copy Teste.

James H. Orr, Clerk.

H. A. J. H. Morrison

113 Decree

John W. A. Morrison et al

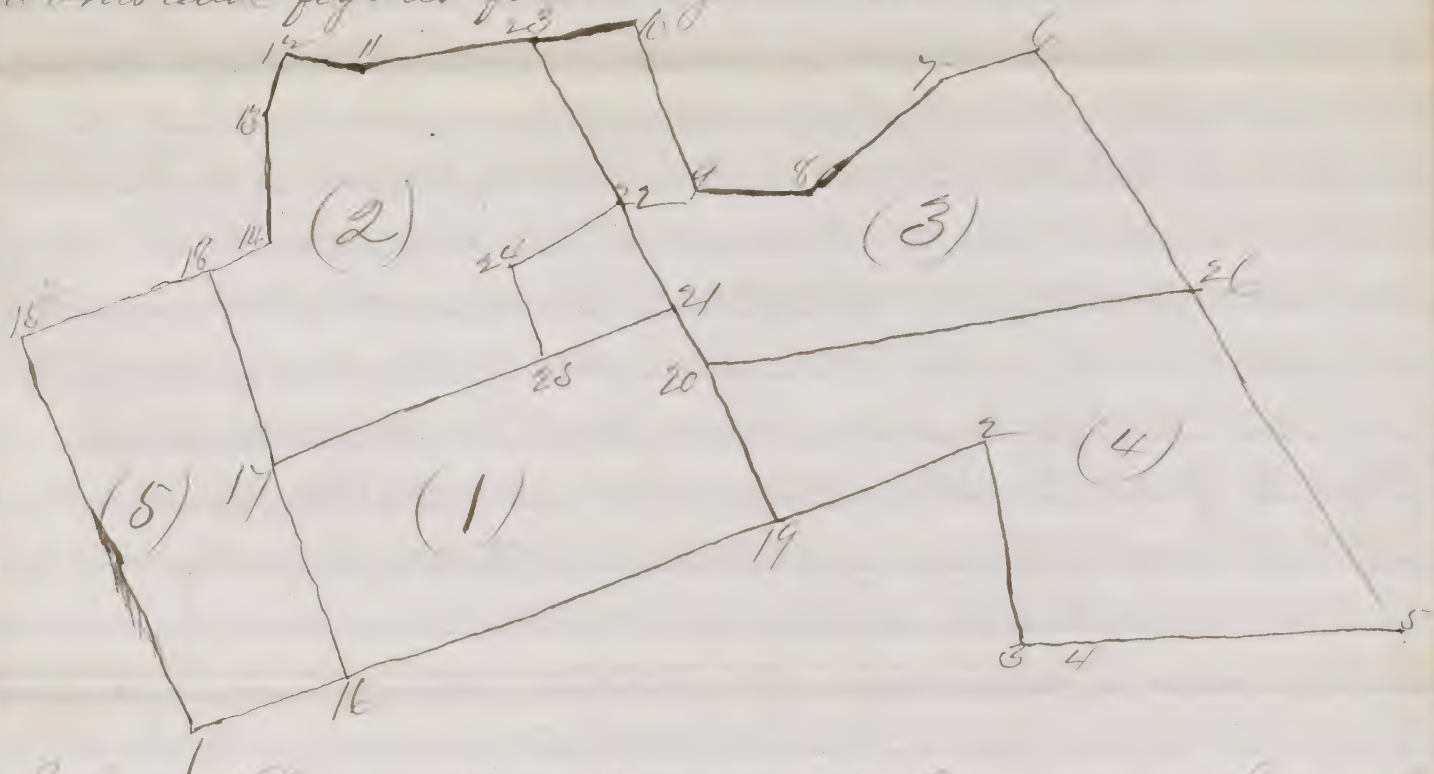
1878

6526



f f f f f

On the 18th day of March 1867 Commissioners Carr & Bailey filed a report together with a plat in accordance with the above decree, which report is in the words and figures following to wit:—



John D. Sharp plaintiff against the widow & heirs of  
John D. Sharp dec'd defendants.

To the Honorable County Court of Lee County:  
Pursuant to your decree dated the 17th day of October  
1866 the undersigned Commissioners have executed said  
decree and beg leave to report: 1<sup>st</sup> we have laid off & assigned  
to Polly Sharp the widow of John D. Sharp dead one third in  
an undivided value of the land in the bill mentioned owned by  
the said John D. Sharp dead at the time of his death, for her dower in  
to wit there in, which dower interest is bounded as follows: Begin-  
ning at a Hickory on H. Raylo's line thence N 67 E 218 poles to a  
stake by a fence and with said fence N 30 W 68 poles to a stake in  
the road and along the same S 69 W 52 poles to a stake near an apple  
tree thence N 18 W 158 poles to a small chestnut on a flat S 11  
W 146 poles to 2 black oaks and a stake corner to said Raylo's  
land and with a line of the same S 17 E 240 poles to the be-  
ginning, Containing 234 Acres more or less. See Fig. 19



22, 24, 25, 17, 12, 19 including the mansion house & other buildings where the said Polly Sharp and family now reside. And then by the request of a majority of the parties we partitioned the whole (including the said widow's dower in five square parts and have assigned each part as follows: to Mary H. Sharp 210 acres more or less which is bounded as follows: Beginning at a Hickory on Baylor's line thence S 67° E 150 poles to pointiers, Corner to lot No 2, and with a line thereof N 18° W 227 poles to a small chestnut on a flat thence S 72° W 146 poles to two black oaks and a stake corner to said Baylor's land and with a line of the same S 17° E 240 poles to the beginning. See Fig. 14, 21, 17, 16, 19. It will be seen that this lot is embraced entirely within the boundaries of the dower interest of the said Polly Sharp which we have marked as lot No 1. And to John I. Sharp 200 acres more or less which is bounded as follows: Beginning at a small chestnut on a flat corner to lot No 1 and on a line of lot No. 5 and with the same S 72° E 108 poles to pointiers on Martin Lott's line, and with line thereof S 18° E 26 1/2 poles to 2 white oaks (one down, by a sink, S 86° E 85 poles to a white oak and down east on a rise (double red oak down) S 70° E 22 poles to a double white oak S 21° W 34 poles crossing the old Canal road to a black oak and 3 sourwood saplings (black oak down) thence S 5 1/2° E 107 poles to a stake corner to lot No 3 and with a line thereof S 67° W 134 poles to pointiers corner to lot No 1, and with a line thereof N 18° W 227 poles to the beginning. See Fig. 17, 18, 14, 13, 12, 11, 23, 21, 17. This lot embraces about 24 acres of the Clover lands of the said Polly Sharp which is marked lot No 2. And to Mary W., John D. S. William H., Benjamin F., Rebecca H., and Sebes Taylor, the children and heirs of Angura C. Taylor died 196 acres more or less which is bounded as follows: Beginning at a double chestnut and 3 dogwoods, near the corner of a field, corner to lot No 4, and on a line of lot No 1, and with the same N 67° E 184 poles to a stake on Britton Potlett's line and with lines thereof S 5 1/2° E 53 poles to 2 red oaks & a sourwood ~~down~~ (both red oaks down) at the end of a line S 75° W

42 poles to 2 small black oaks S 10° W 53 poles to a post oak and small red oak S 40° E 38 poles to 2 small post oaks S 17° E 62 poles to a poplar corner to James Charles' land and with a line thereof S 56° W 154 poles to a stake corner to lot No 4 and with a line thereof N 7° W 275 poles to the beginning. See Fig. 20, 23, 10, 9, 8, 7, 6, 26, 25, which is marked lot No 3. And to Edward C., Felicia, Margaret and Alice Sharp, the children of Benjamin Sharp died 276 acres more or less which is bounded as follows: Beginning at a double chestnut and 3 dogwoods near the corner of a field, corner to lot No. 3, and with a line of the same, S 70° E 275 poles to a stake on the back line and with the same, S 56° W 222 poles to a black oak and white oak (both dead) and 3 or 4 Hickory Bushes (all green) at the corner of Dr. Potlett's field, thence N 1 1/2° W 216 poles to a small black oak among pointiers, Mills' South east corner; thence N 6 1/2° W 10 poles to a stake corner to lot No 1, Baylor's land, and with lines thereof N 83° E 100 poles to a sourwood and some sourwood saplings N 17° W 106 poles to a hickory on a rise corner to lot No 1 and with a line thereof N 67° E 100 poles to the beginning. See Fig. 20, 26, 5, 4, 3, 2, 19, 20, which is marked lot No. 4. And to the heirs of Henry C. Sharp died, 150 acres more or less which is bounded as follows: Beginning at 3 black oaks on the side of a Gravelly ridge thence S 14° E 110 poles to pointiers corner to lot No 2, and with a line thereof S 72° W 254 poles to a stake and 2 black oaks Baylor's corner thence N 17° W 84 poles to a stake, thence N 65° E 250 poles to the beginning. See Fig. 15, 18, 16, 1, 15 which is marked lot No. 5. All of which is respectfully submitted March 6th 1867.

(Signed) Carr Bailey  
( ) Andrew Milboam  
( ) Harrison Baylor

A Copy Sent F. R. Stickley D. C.



John D. Sharpe  
{ Copy of  
From { Partition  
{ & Report  
{  
John D. Sharpe's Est.

"B"

Ch 234



Know all men by these presents that we  
Andrew Williamson and  
are held and firmly bound unto the Comm-  
monwealth of Virginia in the just and full  
sum of One thousand and five hundred  
dollars for the payment thereof well and  
truly to be made to the said Commonwealth  
we bind ourselves, our heirs, executors and  
administrators, jointly and severally firmly  
by these presents. And we hereby waive the  
benefit of our homestead exemption as to  
this bond. Witness our hands and seals this  
the 11th day of April 1881.

The condition of the above obligation is such  
that whereas in a certain Wharvey Cause now  
pending in the Circuit Court of Lee County Va  
in which the above bond Andrew Williamson  
is plaintiff and John D Sharp et al are defend-  
ants, a decree was rendered in said cause  
on the 5th day of April 1881 by which said  
Williamson was required, before being entitled  
to the benefit of the decree in said cause, to  
execute bond in a penalty of \$1500- conditioned to  
obey the future order of the court, &c. Now if  
the said Williamson shall well & truly abide the  
future order of said court upon the defendant John  
D Sharp hereafter appearing and making defence to  
said suit. Then the above obligation to be void.



John D Sharp  
vs Conditional Bond.  
Andrew Williamson

affidavit to remove in full force & effect.  
Andrew Williamson  
J. A. Dickerson



# The Commonwealth of Virginia :

To the Sheriff of Lee County—Greeting.

We Command you to Summon

*John D. Sharp, James M. Maueyham, M. L. Maueyham & Wm. F. Miller and Harry J. Morgan.*

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court-House, on the first Monday in next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

*March*  
by

*Andrew Milbourn.*

And have then there this writ.

Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this 10<sup>th</sup> day of

of

*Feb*  
1880, in the 10<sup>th</sup> year of the Commonwealth.

*Copy to*  
James W. Orr,  
Clerk.



The proper affidavit having been  
filed the officer serving the within pro.  
Ces. is ordered to attach the estate of the  
<sup>nonresident</sup> defendants in Lee County Va and the same  
in their hands so attached so to secure  
and provide that the same may be  
forthcoming liable to the further orders  
of this Court.

(No. 14. Teste James H. Orr, Clerk.)

Teste James H. Orr, Clerk.



# The Commonwealth of Virginia :

To the Sheriff of Lee County—Greeting.

We Command you to Summon

*John B. Sharp, James M.  
Moseyhu, W. L. Moseyhu, and Wm P. Miller  
and Henry J. Morgan.*

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court-House, on the first Monday in  
next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

*them* by *March*

*Andrew Milbourn.*

And have then there this writ.

of *Feb'y*

Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *10*<sup>th</sup> day  
18 *80*, in the 10<sup>th</sup> year of the Commonwealth.

*James W. Orr*

Clerk.



The proper affidavit having been filed  
 the officer serving the within process is  
 ordered to attach the <sup>property</sup> estate of the <sup>defendants</sup>  
 in Lin County, O. And the same is thence  
 hands so attached so to return and provide  
 that the same may be forthcoming & liable to  
 the future order of this Court.  
 Wm. James W. Clerk.

Andrew Bullen  
~~John A. Sharp et al~~  
 vs  
 J. S. Smith  
~~John A. Sharp et al~~  
 vs  
 J. S. Smith  
 1880.

Executed by de-  
 signing true copies  
 to the within hands  
 of the defendant except  
 John A. Sharp  
 July 29th 1880  
 Wm. James W.  
 for Clerk



VIRGINIA:—At rules held in the Clerk's  
office of the Circuit Court, on Monday,  
the 2nd day of February, 1880.

ANDREW MILBOURNE, Plff. } In  
against } Chancery.

JOHN D. SHARP et als., Deft's. }

The object of this suit is to attach debts owing John D Sharp by Henry J Morgan, James M. Moneyhun, Mc. Moneyhun and Wm. P. Miller; also to attach certain lands in Lee county, belonging to said Sharp. And it appearing from an affidavit filed in the cause that the defendant John D Sharp is a non-resident of this State, it is ordered that he appear here within one month after due publication of this order and do what is necessary to protect his interest in this suit. A copy, teste  
\$5 4t85 JAMES W. ORR, Clerk.

I, Charles McEloughly, Editor of the "Lee County Sentinel," hereby certify  
that the copy, order of which is annexed is a copy, as printed  
-ed 4 successive weeks, ending to-day in said Sentinel,  
Feb'y. 27, 1880.

Charles McEloughly, Editor



Andrew Milburn  
V.D. 3 Patm. Cent.  
John D. Sharp

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